

Remarks

The claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. The amendments are clearly supported by the original disclosure, particularly at page 5, lines 28-31. No new matter has been added. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides an absorbent article having a fluid permeable cover, a liquid impermeable baffle and an absorbent. The absorbent is desirably situated between the cover and the baffle. The absorbent article has a principal longitudinal axis and a principal transverse axis, and is configured to provide a labial pad for disposition within the vestibule of a female wearer. The absorbent has a length, a widest portion, a width at the widest portion, a narrowest portion, a width at the narrowest portion, and a thickness. The absorbent also has first and second end regions and a central region disposed between the first and second end regions. In addition, the absorbent includes first and second spaced apart longitudinal sides, and first and second spaced apart transverse ends. The longitudinal sides together with the transverse ends generally form the periphery of the absorbent, and the widest portion of the absorbent is not situated in the central region. In a particular aspect, the absorbent can have a maximum length, and a minimum length that lies generally along the principal longitudinal axis and is less than the maximum longitudinal length. In other aspects, the widest portion of the absorbent is situated in the first end region, a narrowest portion of the absorbent has a narrowest width situated in the central region of the absorbent, a second widest portion of the absorbent has a second widest width situated in the second end region of the absorbent, and the width of the narrowest portion is smaller than the width of the second widest portion. Further aspects of the invention are set forth in the specification and claims.

The absorbent article of the claimed invention can provide a labial pad that can be more effectively positioned and held between the labia majora of the wearer. The article can be more conveniently grasped for placement on the wearer, and can more effectively allow an individualized positioning to provide a customized fit adjustment.

Claims 1-2, 5-10, 13-17, 27-28 and 31-35 have been rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent 6,432,096 to McFall et al. (hereinafter McFall). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

McFall describes an absorbent device that is insertable into the interlabial space of a female wearer for catamenial purposes, incontinence protection, or both. The absorbent interlabial device has at

least on body-contacting surface and a backsheet having an integral protrusion formed therein of sufficient dimensions to aid in insertion into the interlabial space. Examples of shapes for the main body portion of the device include ovoid, elliptical, trapezoidal, rectangular, triangular, diamond-shaped, or any combination of the above.

McFall, however, does not disclose or suggest an absorbent labial pad having the configurations called for by Applicants' presented claims. In particular, McFall does **not** teach a labial pad in which an absorbent has a maximum length extending from a first transverse end (76) to a spaced apart second transverse end (78), and at least a body-facing surface of the absorbent has a minimum length that extends generally along the principal longitudinal axis from the first transverse end to the second transverse end and is less than the maximum longitudinal length, as called for by the claimed invention. Neither does McFall teach a labial pad configuration in which the widest portion of the absorbent is situated in the first end region, a narrowest portion of the absorbent has a narrowest width situated in the central region of the absorbent, a second widest portion of the absorbent has a second widest width situated in the second end region of the absorbent, and the width of the narrowest portion is smaller than the width of the second widest portion, as called for by Applicants' presented claims.

As a result, when compared to Applicants' claimed invention, the structures taught by McFall would not provide an effective labial pad, and would be less able to be effectively positioned and held between the labia majora of the wearer. Additionally, the configurations taught McFall would be less conveniently grasped for interlabial placement on the wearer, and would less effectively provide a desired, customized fit adjustment. It is, therefore, readily apparent that McFall does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are requested. Claims 3-4, 11-12, 18, 22-26, and 29-30 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,432,096 to McFall et al. (hereinafter McFall). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

The Examiner has asserted that McFall discloses that the main body portion of the article can be any suitable configuration, as set forth in McFall at col. 5, lines 29-30. It is submitted, however, that McFall does **not** disclose or suggest that a dog bone or hourglass shape would be a "suitable" configuration for a labial pad. Even if one assumes for the purposes of argument that a dog bone or hourglass shaped configuration is well known in the art and that either configuration is "routinely" used to provide articles that better conform to the wearer's anatomy, it is respectfully pointed out that

in the prior art, the dog bone or hourglass shapes have been "routinely" employed in conventional sanitary napkins, but have not been employed in the labial pad configurations called for by the presented claims. While the dog bone and hourglass shapes of such conventional sanitary napkins have been configured to conform to parts of the female anatomy, such parts of the anatomy would **differ** from the parts of the female anatomy encountered by a labial pad. Indeed, McFall at Fig. 6 and at column 22, lines 22-61 teaches that the shape of the sanitary napkin is particularly suited to fit a different portion of the anatomy, and operates as a different part of the overall "system". Moreover, the folding of the labial pad prior to disposition within the vestibule of the wearer would be adverse and contrary to any "conformance" objective taught with respect to a sanitary napkin. When the disclosure of McFall is taken in its entirety, as a whole, it is readily apparent that McFall has separated and differentiated the sanitary napkin portion of the "system". As taught by McFall, the features that pertain to the sanitary napkin serve a different purpose and would **not** pertain to the labial pad portion of the system. Accordingly, it is readily apparent that the Examiner has **not** established *prima facie* that the claimed invention would be unpatentable over McFall under 35 U.S.C. § 103(a). To the contrary, it is respectfully submitted that the Examiner has engaged in impermissible "hindsight", and has employed Applicants' disclosure as an instruction guide for picking and choosing particular elements from a universe of possible features. In the absence of Applicants' disclosure, the teachings of McFall would not lead a skilled person to the modifications needed to synthesize the configurations of the claimed invention, and the required changes would remain unapparent and unobvious. It is, therefore, respectfully submitted that Applicants' claimed invention is patentable over McFall.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are requested.

The prior art made of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that such art does not disclose or suggest Applicants' claimed invention.

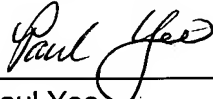
For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

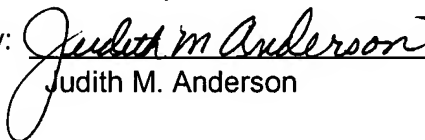
Respectfully submitted,

RONALD L. EDENS, ET AL.

By: 
Paul Yee
Registration No.: 29,460
Attorney for Applicants

CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on February 6, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Judith M. Anderson